

FIRST REGULAR SESSION

# HOUSE BILL NO. 394

## 91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'TOOLE.

Read 1<sup>st</sup> time January 16, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1221L.011

### AN ACT

To repeal sections 84.020, 84.120 and 84.150, RSMo 2000, relating to the St. Louis police department, and to enact in lieu thereof three new sections relating to the same subject.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 84.020, 84.120 and 84.150, RSMo 2000, are repealed and three new sections enacted in lieu thereof, to be known as sections 84.020, 84.120 and 84.150, to read as follows:

84.020. **1.** In all cities of this state that now have, or may hereafter attain, a population of five hundred thousand inhabitants or over, there shall be, and is hereby established, within and for said cities, a board of police, to consist of four commissioners, as provided in sections 84.040 to 84.080, together with the mayor of said cities for the time being, or whosoever may be officially acting in that capacity, and said board shall appoint one of its members as president, and one member who shall act as vice president during the absence of the president; and such president or vice president shall be the executive officer of the board and shall act for it when the board is not in session.

**2. A board of police established pursuant to subsection 1 of this section shall be designated as "The Board of Police Commissioners of the City of ..... " and shall be vested with and possessed of the powers and duties specified for such a board in this chapter. The board may sue and be sued in its official name as "The Board of Police Commissioners of the City of ..... ".**

84.120. **1.** No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

3 for any offense, the punishment of which may be confinement in the penitentiary; nor shall any  
4 person be so appointed who is not of good character, or who is not a citizen of the United States,  
5 or who is not able to read and write the English language, or who does not possess ordinary  
6 physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while  
7 they shall faithfully perform their duties and possess mental and physical ability and be subject  
8 to removal only for cause after a hearing by the boards, who are hereby invested with the  
9 exclusive jurisdiction in the premises.

10 **2. The boards shall establish such rules as may be necessary to give effect to the**  
11 **provisions of this section. The rules may provide that the boards or the chairman of any**  
12 **board may delegate responsibility for the conduct of investigations and the hearing of**  
13 **matters provided for pursuant to any section of this chapter to a member of the board or**  
14 **to a hearing officer designated by the board. Such hearing officer shall have the power to**  
15 **administer oaths, subpoena witnesses, compel the production of records pertinent to any**  
16 **hearing, and take any action in connection with such hearing which the boards, themselves,**  
17 **are authorized to take by law other than making the final decision and appropriate order.**  
18 **When the hearing has been completed, the individual board member or the hearing officer**  
19 **who conducted the hearing shall prepare a summary thereof and recommend findings of**  
20 **fact, conclusions of law, a decision and an appropriate order for approval of the board.**  
21 **The boards may adopt such recommendations in whole or in part, modify or reject such**  
22 **recommendations, require the production of additional testimony, reassign the case for**  
23 **rehearing or conduct such new or additional hearing as is deemed necessary prior to**  
24 **rendering a final decision.**

2 [84.150. The officers of the police force in each such city shall be as follows:  
3 One chief of police with the rank of colonel; one assistant chief of police with the  
4 rank of lieutenant colonel; one chief of detectives with the rank of lieutenant colonel;  
5 one inspector of police with the rank of lieutenant colonel; and two other lieutenant  
6 colonels, making a total of five lieutenant colonels, except that upon reaching two  
7 thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an  
8 additional lieutenant colonel shall be appointed, making a total of six lieutenant  
9 colonels; one assistant chief of detectives with the rank of major and five other  
10 majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to  
11 the provisions of section 84.100 an additional major shall be appointed, making a  
12 total of seven majors; twenty-two captains, except that upon reaching two thousand  
13 eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional  
14 two captains shall be appointed, making a total of twenty-four captains; sixty-seven  
15 lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant  
16 to the provisions of section 84.100 an additional lieutenant shall be appointed; two  
17 hundred sixty sergeants, except that for each nine additional patrolmen appointed  
pursuant to the provisions of section 84.100 an additional sergeant shall be

18 appointed. No further appointments to the rank of corporal shall hereafter be made,  
19 but all members of the force now holding the rank of corporal shall continue in such  
20 rank until their promotion, demotion, removal, resignation or other separation from  
21 the force. The officers of the police force shall have commissions issued to them by  
22 the boards of police commissioners, and those heretofore and those hereafter  
23 commissioned shall serve so long as they shall faithfully perform their duties and  
24 possess the necessary mental and physical ability, and be subject to removal only for  
25 cause after a hearing by the board, who are hereby invested with exclusive  
26 jurisdiction in the premises. Any increase in the number of officers to be appointed,  
27 in addition to that provided for above, shall be permitted upon recommendation by  
28 the board of police commissioners with the approval of the municipal board of  
29 estimate and apportionment.]

**84.150. The ranks of the officers of the police force in each such city shall be as  
2 follows: colonel; lieutenant colonel; major; captain; lieutenant; sergeant and police officer.  
3 There shall be only one individual appointed to the rank of colonel at any given time and  
4 that individual shall be the chief of police. The numbers of officers appointed to the ranks  
5 of lieutenant colonel, major, captain, lieutenant, sergeant and police officer shall be  
6 determined by the board of police commissioners and shall be based upon the board's  
7 determination of the numbers of officers necessary in each rank to provide adequate  
8 supervision and to carry out the board's duties and responsibilities pursuant to this  
9 chapter. The officers of the police force shall have commissions issued to them by the  
10 boards of police commissioners, and those heretofore and those hereafter commissioned  
11 shall serve so long as they shall faithfully perform their duties and possess the necessary  
12 mental and physical ability, and be subject to removal only for cause after a hearing by the  
13 board or its designee or designees, as authorized by statute.**